

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Aberin et al. v. American Honda Motor Co., Inc.

No. 3:16-cv-04384-JST

FIFTH JOINT CASE MANAGEMENT STATEMENT

Complaint filed: August 3, 2016

Judge: Hon. Jon S. Tigar

Pursuant to the Stipulation and Order, dated September 5, 2017, (D.E. 111), the parties hereby submit their Fifth Joint Case Management Statement. The parties will appear for the Fifth Status Conference in Courtroom 9 on December 13, 2017 at 2:00 p.m. Pacific time.

Pending Motions

1. Motion to Dismiss Certain Counts in Plaintiffs' Second Amended Complaint, to Strike Certain Restitution Claims, and for Sanctions for Spoliation of Evidence ("Motion to Dismiss") (D.E. 105). On November 9, 2017, the Court vacated the November 16, 2017 hearing, finding that the Motion to Dismiss was amenable to decision without oral argument (D.E. 118).

2. Motion for Sanctions for Spoliation of Evidence, or in the Alternative, for Order to Show Cause (“Motion for Sanctions”) (D.E. 116). The Motion for Sanctions is fully briefed and set for hearing on December 14, 2017. The Parties will be requesting that, if the Court will be hearing oral argument on the Motion for Sanctions, that the hearing be coordinated with the Fifth Status Conference on December 13, 2017.

Discovery

On June 26, 2017, the Court referred discovery in this litigation to Magistrate Judge Ryu. On August 31, 2017, Judge Ryu held an informal discovery planning conference with the Parties where

the Parties presented their assessment of the general discovery needs in the litigation, the current status of discovery, and the next steps regarding certain discovery disputes. At the time of the August 31, 2017, conference, none of the discovery disputes were ripe for presentation to Judge Ryu.

The Parties continue to discuss the status of discovery and certain discovery disputes and have scheduled their next call for December 6, 2017, to discuss some of these issues.

The Parties are in continuing discussion regarding searching Electronically Stored Information.

The Parties continue to negotiate a protocol governing the inspection of Plaintiff's vehicles.

DATED: December 4, 2017

Respectfully Submitted,

Attorneys for Defendant American Honda Motor Company, Inc.

Interim Co-Lead Class Counsel

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation. In compliance with Civil Local Rule 5.1, I hereby attest that the signatory has concurred in this filing.

Dated: December 4, 2017

By: s/ Christopher A. Seeger

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record via the Court's ECF system on December 4, 2017.

/s/ Christopher A. Seeger
Christopher A. Seeger